



State Water Resources Control Board



Linda S. Adams
Secretary for
Environmental Protection

Division of Water Rights
1001 I Street, 14th Floor ♦ Sacramento, California 95814 ♦ 916 341.5300
P.O. Box 2000 ♦ Sacramento, California 95812-2000
Fax. 916.341.5400 ♦ www.waterrights.ca.gov

Arnold Schwarzenegger
Governor

In Reply Refer
to:300:BR:S016117

March 3, 2009

Fallen Leaf Mutual Water Company
c/o Craig A. Pridgen, ESQ.
P.O. Box 5488
Tahoe City, CA 96145

STATEMENT OF WATER DIVERSION AND USE S016117 FOR DIVERSION FROM FALLEN LEAF LAKE IN EL DORADO COUNTY

The State Water Resources Control Board, Division of Water Rights (Division), received your Statement of Water Diversion and Use (Statement) on June 6, 2008. Your Statement has been assigned identification number S016117. This number should be referenced in all correspondence with the Division regarding the Statement. Please notify the Division of any change in ownership or mailing address.

A Supplemental Statement of Water Diversion and Use (Supplemental Statement) will be mailed to you every three years, and must be filed with the Division prior to July 1 of that year. There is no fee for filing a Supplemental Statement. The submittal of a Supplemental Statement is a record of your water use. It is used by the Division to verify existing data and to notify you of water right matters related to your [riparian, pre-1914] claim.

If you have questions or concerns regarding this matter, please contact me at (916) 341,5376 or at brigby@waterboards.ca.gov.

Sincerely,

Bill Rigby
Engineering Associate
Water Quality Certification Unit

Enclosure: Copy of Statement

CONTACT REPORT

S016117

DIVISION OF WATER RIGHTS

STATE WATER RESOURCES CONTROL BOARD

Division Personnel: Whalen Toy
Water Quality & Special Project
Units

Subject: 2008 Statement filed by
Fallen Leaf Mutual Water Company
Date: 7/8/08 Time: 11:15 am
Personal: Where: WR
Telephone: 530 Number: 583-5523

Individual(s)/Agency Contacted: Craig Pridgen, attorney for Fallen Leaf
Mutual Water Company

Conversation Description: I responded to Mr. Pridgen's inquiry, which was originally received by Andy Sawyer, on the status of the Fallen Leaf Mutual Water Company's (Fallen Leaf) Statement of Water Diversion and Use (Statement). I informed Mr. Pridgen that the Division of Water Rights received the Fallen Leaf Statement on June 6, 2008 and it is number 132 of the backlog of new Statements waiting processing. I explained that the staff person assigned to the program has about two dozen Statements received back in 2006 to be processed before starting on those received in 2007. I also advised that the staff person has a backlog of supplemental Statements to be reviewed and is assigned quality control duties dealing with the Division's database.

I could not provide Mr. Pridgen a time table as to when the Fallen Leaf Statement would be processed. Mr. Pridgen said he will relay the above information to his client.

Decision(s):

Action Items:

SURNAME	<i>ty 6/8/08</i>			
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CRAIG A. PRIDGEN
ATTORNEY AT LAW
3000 North Lake Boulevard, Suite 4
P.O. Box 5488
Tahoe City, CA 96145
Phone: (530) 583-5523/Fax: (530) 583- 3759

STATE WATER RESOURCES
CONTROL BOARD
2008 JUN -6 PM 12:02
DIV OF WATER RIGHTS
SACRAMENTO

June 4, 2008

State of California
State Water Resources Control Board
Division of Water Rights
PO Box 2000
Sacramento, CA 95812-2000

RE: **Fallen Leaf Mutual Water Co. - STATEMENT OF WATER DIVERSION
AND USE**

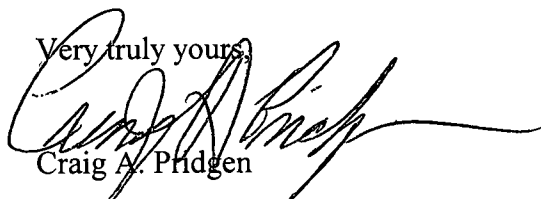
Dear Sir/Madam:

Please find enclosed herewith the above-references Statement of Water Diversion and Use together with attachments. This Water District was formed and incorporated in the 1920s; however, the property owners within the existing subdivision diverted water for beneficial use for agricultural, livestock and domestic purposes dating back to the 1880s based upon original patents, one of which is attached to the Statement. As indicated in the enclosed Statement, the historic appropriators of the water rights did so as riparian appropriators, as well as direct appropriation of water from the lake for the benefit of what was originally a pre-statutory subdivision containing eight lots all adjacent to and contiguous with Fallen Leaf Lake.

If you have any questions or comments with respect to the enclosed Statement, please feel free to contact me at the above referenced number. In this regard, please be advised that I am moving my law offices. Accordingly, prior to June 12, 2008, I can be reached at 530-756-0200. Effective June 16th, I can be reached at the above-referenced phone number and from and after June 12th, all correspondence, including the copy of the Statement enclosed with respect to which I am asking you to acknowledge receipt and return in the envelope provided should be returned to the PO Box addressed in Tahoe City. I apologize for any inconvenience this move may create; however, it is important that you be able to contact me if you have any questions or concerns with respect to the enclosed Statement.

Thank you for your cooperation and courtesies particularly during this transitional period.

Very truly yours,


Craig A. Pridgen

CAP/mb
Enclosures

State of California
State Water Resources Control Board
Division of Water Rights
June 4, 2008
Page 2

cc: Willis Swan (w/enclosure with the exception of large subdivision maps)

Andrew H. Sawyer, Assistant Chief Counsel (w/enclosure with the exception of large
subdivision maps)

California State Water Resources Control Board
1001 "I" Street, 22nd Floor
Sacramento, CA 95814-2828

Heather F. Schmitt (w/enclosure with the exception of large subdivision maps)
Supervising Environmental Health Specialist
County of El Dorado Environmental Management
South Lake Tahoe Division
3368 Lake Tahoe Boulevard, Suite 303
South Lake Tahoe, CA 96150

State of California
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000
Info: (916) 341-5300, FAX: (916) 341-5400, Web: <http://www.waterrights.ca.gov>

S016117

STATE WATER RESOURCES
CONTROL BOARD

JUN -6 PM 12:02

DIV OF WATER RIGHTS
SACRAMENTO

STATEMENT OF WATER DIVERSION AND USE

(This is not a Water Right)

This Statement should be typewritten or legibly written in ink and submitted to the address above.
A separate statement should be filed for each point of diversion. A duplicate copy will be returned for your file.

- A. Name of person diverting water Fallen Leaf Mutual Water Co.
Address c/o Willis A. Swan, President, 50 N. Bailey St., Fallon, NV 89406
Telephone (775) 423-4813
- B. Water is used under: Riparian claim; ☒ Pre 1914 right; ☒ Other (explain) See Attachment 1-B
- C. Name of the body of water at the point of diversion
Fallen Leaf Lake, El Dorado County
Tributary to _____
- D. Point of diversion is located within El Dorado County on Assessors Parcel # 21-321-06, being within the SW 1/4 of NW 1/4 of Section 13, of Township 12N, Range 17E, MDM B&M.
Name of works Fallen Leaf Lake Mutual Water Co. Treatment Plant
- E. Do you own the land at the point of diversion? Yes ☒ NO ____ The name and address of the owner of the land is: _____
- F. Capacity of diversion works 86,400 (cfs, gpm, or gpd) Capacity of storage tanks or reservoir 60,000 (gallons or acre-feet)
Type of diversion facility Gravity ____ Pump ☒
Method of measurement: Weir ____ Flume ____ Electric Meter ☒ Estimate ____
- G. Enter the amount (or approximate amount) of water used each month.
Amounts below are shown in Gallons ☒ Acre-feet ____ Other ____
- | Year | Jan | Feb | Mar | Apr | May | June | July | Aug | Sept | Oct | Nov | Dec | Total Annual |
|------|-----|-----|-----|-----|--------|--------|--------|--------|--------|--------|-----|-----|--------------|
| 2007 | 0 | 0 | 0 | 0 | 24,524 | 28,000 | 31,312 | 31,633 | 21,367 | 21,154 | 0 | 0 | 4,194,000 |
- H. Annual water use in recent years: Maximum 4,887,000 (gallons or acre-feet) Minimum 2,790,200 (gallons or acre-feet)
Year of first use (nearly as known) 1885 pursuant to Homestead - U.S. - issued to Nathan Gilmore;
(CONTINUED ON ATTACHMENT 1)
- I. Purpose of use: What is the water being used for: (example, number of acres and type of crop irrigated, average number of persons served, number of stock watered, etc.) Domestic, 460 Persons
- J. General description or location of place of use (example 40 acres of pasture located 3 miles from Happyville on Alpha Road) Southeast side of Fallen Leaf Lake - See attached Maps J-1 and J-2
- K. Map: Please locate the point of diversion and place of use on a print of a USGS quad map, or make a sketch on the section grid provided on the reverse side of this form. The sketch should identify the section lines, prominent local landmarks and roads, your point of diversion, and your place of use (your house, acreage irrigated, etc.).

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption.
For a list of simple ways you can reduce demands and cut your energy costs, see our web-site at <http://www.waterrights.ca.gov>.
Additional copies of this form and water right information can be obtained at www.waterrights.ca.gov.



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- 1 Conservation of water
 - a Describe any water conservation efforts you may have started. All residences have low flow toilets.
Outside watering is limited to 6 GPM for one hour per day per residence.
2. Water quality and wastewater reclamation
 - a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES ☐ NO ☒

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATE 5/5/2008 at Mariposa, California

SIGNATURE Eugene J. Houghton, Jr

PRINTED NAME Eugene J. Houghton, Jr
(first name) (middle init) (last name)

COMPANY NAME Fallen Leaf Mutual Water Co.

				N			
				S			

SEE ATTACHED MAPS

The location of the diversion point and the place of use may be sketched on the section grid provided. If it is used, please enter the section(s), township, range and the base & meridian below. Also, show any streams or other landmarks that will assist in identifying the area.

Section(s) See Attached Maps
 Township _____
 Range _____
 _____ B&M

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the source of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to 1) store water for later use 2) divert water which originates in a different watershed 3) divert water released from storage, or 4) divert return flows from groundwater use.

An appropriative right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914 new appropriators have been required to obtain a permit and license from the State.

Statements of Water Diversion and Use must be filed by a riparian and per-1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversion, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include: (1) Statements of Water Diversion and Use, (2) Information Pertaining to Water Right in California and (3) Appropriation of Water in California.

20101113

**ATTACHMENT 1-B
TO
STATEMENT OF WATER DIVERSION AND USE**

- B. The original parcels of record as of the recordation of the original Homestead Certificate No. 2303 in 1886 (see attached Attachment 1-B) were: Lot number six of Section Twelve, the lots numbered one and two of Section Thirteen and lots numbered one, two, three, four and five of Section Fourteen in Township Twelve north of Range Seven East of Mount Diablo Meridian in California, with the exemption of and only of Lot 5 in Section Fourteen, the legal description on the homestead is identical to the applicant's District service area. Mr. Gilmore who homesteaded the subject property diverted sufficient water for domestic, stockwatering and irrigation of the subject property.

America,

Greeting:

Land Office of the
to Cali-
to the Act of Congress
Public Domain,

m
day consummated, in

West
in town
at East
Cali-

Office by the Surveyor

John

the appurtenances thereof,
and to his
heral, manufacturing, or
s may be recognized and
of the proprietor of a vein
intersect the premises hereby

PRESIDENT OF THE
made Patent, and the

Tenth

the year of our Lord one
thousand eight hundred
and tenth

Secretary
of the General Land Office



The United States of America

To all to whom these Presents shall come, Greeting:

Homestead Certificate No. 2302
Application 2822

United States a Certificate of the Register of the Land Office at Sacramento, California

approved 20th May, 1862. To secure Homesteads to actual Settlers on the Public Domain,

and the acts supplemental thereto, the claim of Nathan Gilmore
has been established and duly consummated, in
conformity to law, for the lot numbered six of section
twelve, the lots numbered one and two of
section thirteen and the lots numbered one
two, three, four and five of section fourteen
in township twelve north of range eleven
east of Mount Diablo Meridian in
California containing one hundred and
sixty six acres and forty one
hundredths of an acre

according to the Official Plat of the Survey of said Land, returned to the General Land Office by the Surveyor
General.

Now know ye that there is, therefore, granted by the United States unto the said Nathan
Gilmore.

the tract of Land above described: To have and to hold the said tract of Land, with the appurtenances thereof,
unto the said Nathan Gilmore
heirs and assigns forever, subject to any vested and accrued water rights for mining, agricultural, manufacturing, or
other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and
acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein
or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby
granted, as provided by law.

In testimony whereof, Grover Cleveland PRESIDENT OF THE
UNITED STATES OF AMERICA, have caused these letters to be made Patent, and the
Seal of the General Land Office to be hereunto affixed.

Given under my hand, of the City of Washington, the Tenth
day of April, in the year of our Lord one
thousand eight hundred and eighty six, and of the
Independence of the United States the one hundred and tenth

By the President Grover Cleveland
M. McLean Secretary
W. Clark Recorder of the General Land Office

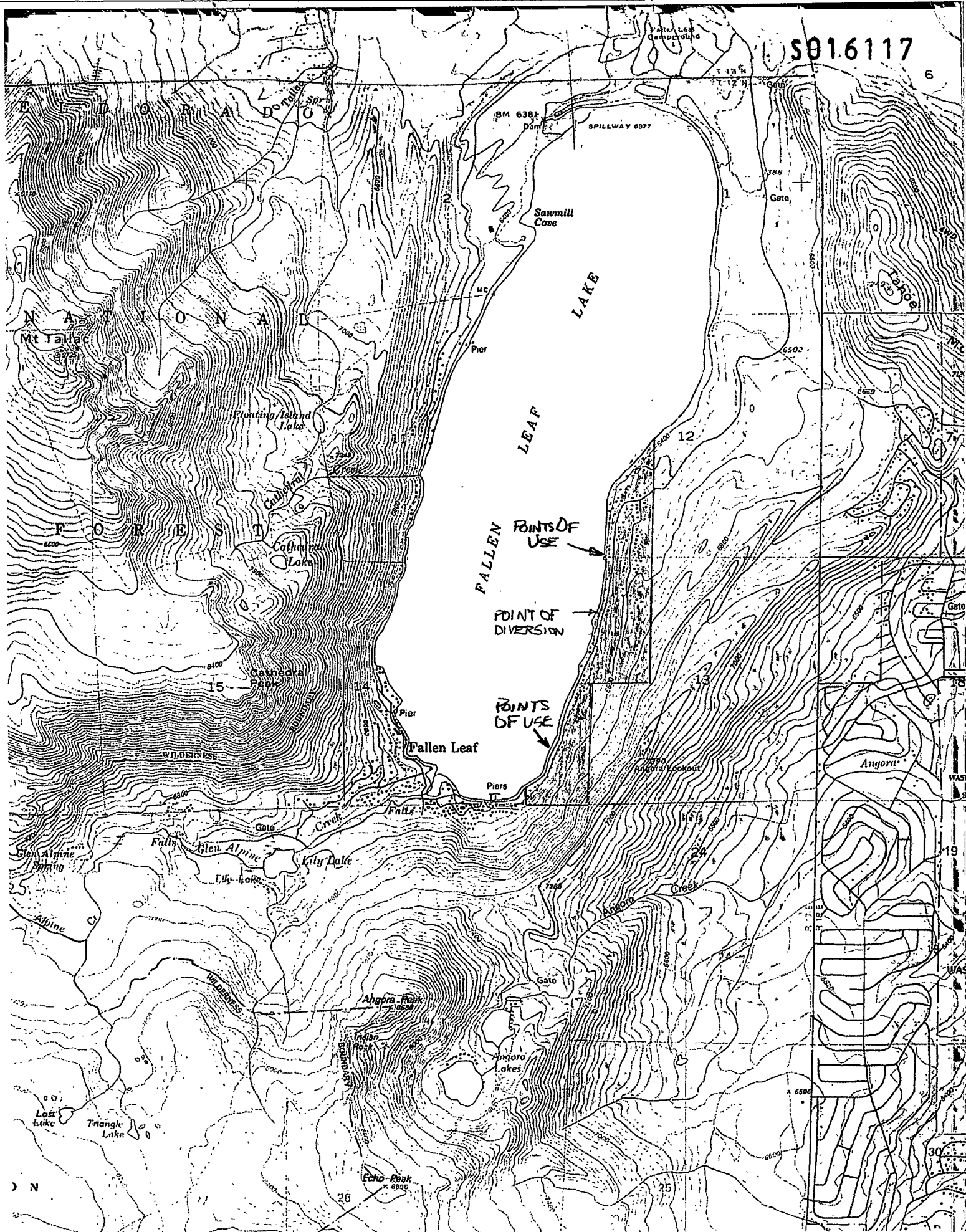


**ATTACHMENT 1-H
TO
STATEMENT OF WATER DIVERSION AND USE**

- H. and subsequent conveyances to George G. Blanchard and his heirs and successors in the 1880s and 1890s. The Blanchard Family still owns property within the Mutual.

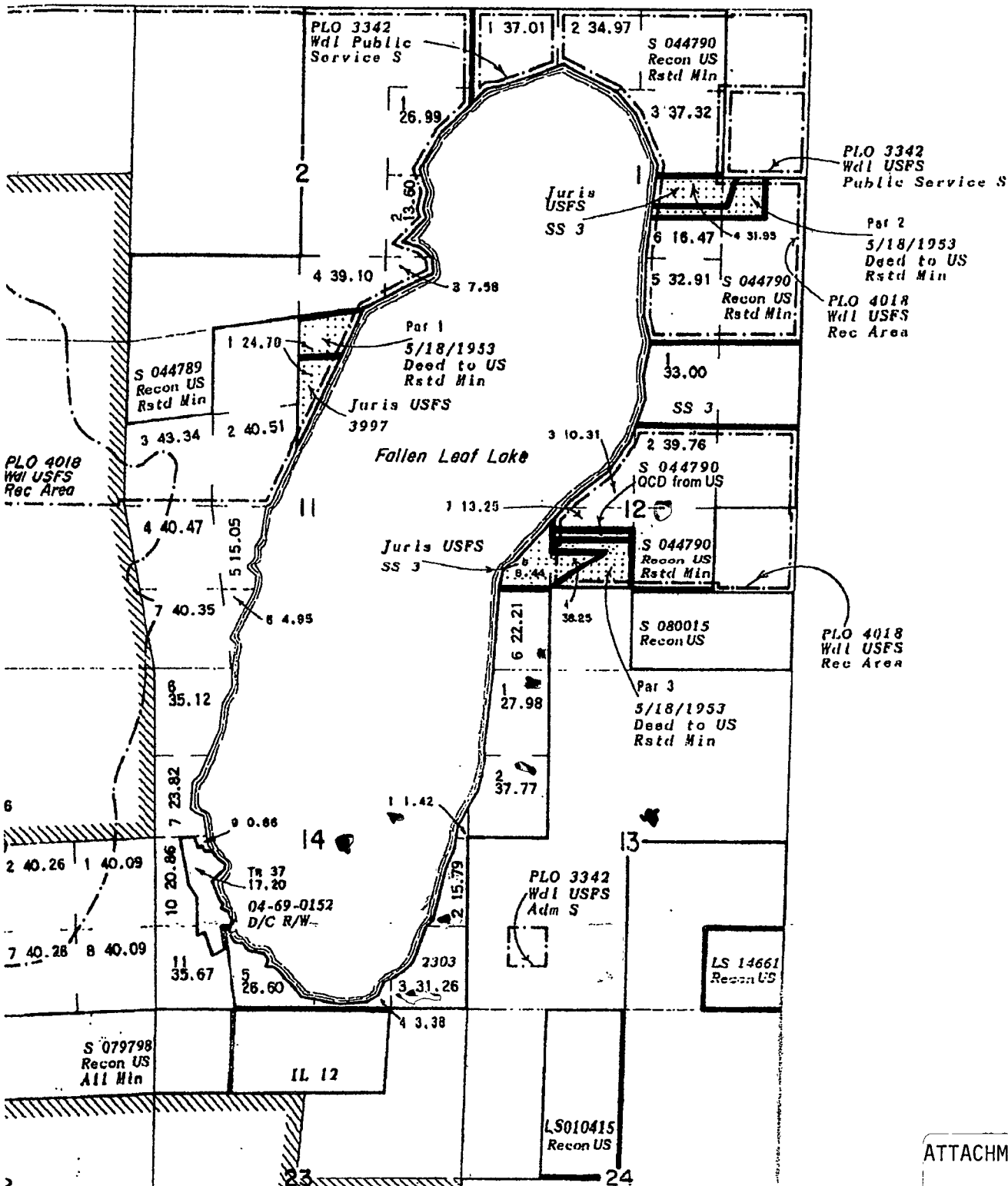
S016117

6



7 EAST OF THE MOUNT DIABLO MERIDIAN, CALIFORNIA

MT F

[illegible]

All Tp included
7/28/1910

PL0 3342 3/2/155-
land lying with
Hwy 94

Sec 12: NA
Sec 13: NA

All land lying in
Sec 36: Lot 14

All Tp included
6/27/1967.

S 079798 Dec 1964
Secs 22, 23, 24

Desolation 4:11
All Min 4:20

PLO 2103 5/24/1950
FPA Pwr Proj 7a 1950

Sec 19: $W\frac{1}{2}$ L: $\frac{1}{2}$
Sec 29: $W\frac{1}{2}$ L: $\frac{1}{2}$

Sec 34: SECRET

ATTACHMENT 1-J(2)

DS00920

DATE: WATER RESOURCES
CONTROL BOARD
2008 JUN -6 PM 12:03
DIV. OF WATER RIGHTS
SACRAMENTO

2011/11/15